

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2077

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to amend and reenact sections 18-04-04 and 26.1-03-11 of the North Dakota  
2 Century Code, relating to the imposition of a monetary penalty on insurance companies failing  
3 to report certain data to the insurance commissioner; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 18-04-04 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **18-04-04. Insurance companies to report fire, allied lines, homeowner's multiple peril,  
8 farmowner's multiple peril, and commercial multiple peril insurance premium collections  
9 - Form furnished by insurance commissioner.**

10 1. The insurance commissioner, when the commissioner forwards to an insurance  
11 company which is issuing policies for fire, allied lines, homeowner's multiple peril,  
12 farmowner's multiple peril, and commercial multiple peril insurance in this state the  
13 form to be used in submitting its annual statement, shall forward a form containing the  
14 names of all cities and all rural fire protection districts or rural fire departments entitled  
15 to benefits under the provisions of this chapter. Every insurance company issuing  
16 policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, and  
17 commercial multiple peril insurance within this state shall complete such form by  
18 showing ~~thereon~~ on the form the amount of all premiums received by ~~it~~ the insurance  
19 company upon such policies issued on property within the corporate limits of each city  
20 shown on ~~such~~ the form and on property within the boundaries of each rural fire  
21 protection district shown on ~~such~~ the form or property within the boundaries of each  
22 rural fire department as certified by the state fire marshal during the year ending on  
23 the preceding thirty-first day of December and shall file the ~~same~~ form as a part of  
24 ~~its~~ the insurance company's annual statement.

1       2. An insurance company failing to report fire, allied lines, homeowner's multiple peril,  
2       farmowner's multiple peril, and commercial multiple peril insurance premium  
3       collections on or before March first, on forms prescribed by the insurance  
4       commissioner, is subject to the monetary penalties prescribed in section 26.1-03-11.

5       **SECTION 2. AMENDMENT.** Section 26.1-03-11 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7       **26.1-03-11. Fire companies to report statistical data - Failure to report - Exceptions to**  
8 **reporting requirements - Penalty.**

9       Each insurance company issuing fire insurance policies covering property in this state shall  
10 annually shall report information setting forth the amount of earned premiums in this state for  
11 policies covering insured property located in this state and the amount of claims incurred. This  
12 information is not to include personal lines or farm property insurance. This information must be  
13 reported on a form prescribed by the commissioner. The company shall file the form with the  
14 commissioner or shall certify to the commissioner that the information has been reported  
15 directly to an advisory organization upon whose filings the majority of the fire insurance rates for  
16 North Dakota are based. The form or certification must accompany the annual statement  
17 required under section 26.1-03-07. ~~The commissioner shall forward information filed under this~~  
18 ~~section to the advisory organization upon whose filings a majority of the fire insurance rates for~~  
19 ~~North Dakota are based. Each advisory organization filing pursuant to chapter 26.1-25 shall use~~  
20 ~~this information in its filing. The commissioner shall revoke the certificate of authority of an~~  
21 ~~insurance company failing to file the information required by this section~~An insurance company  
22 that fails to furnish the form on or before March first is subject to a penalty of one hundred  
23 dollars per day. The commissioner shall~~may~~ revoke or suspend the certificate of authority of an  
24 insurance company that fails to file the form required in this section. If satisfied the delay was  
25 excusable, the insurance commissioner may waive, and if paid, issue a premium tax credit for  
26 all or any part in an amount up to fifty percent of the penalty and interest. The insurance  
27 commissioner shall deposit in the insurance tax distribution fund monetary penalties collected  
28 under this section.